App I IX 4

Previous Peferences
Mdl 188-37-1,2,3
" 165-41-16-46
48-36-27,29,96,103
91-40-15,16,20
LR 568-36-1-2-56-37-1-6
Mdl 65-46 87-39-1-2 --
(128 129)

194 3 Mdl Municipal

Mdl File No 111-43
Serial Nos 47,70,79
106,107

Later Peferences

GENERAL AND REVENUE SECRETARIAT

Serial Nos 5

Part B for March 1944

SUBJECT

Re: Petitions of Mr C Shamrao Shirvoga
for enhanced compensation re
breaching of Commodities Contract

Mr C Shamrao Revo

Lr No 9624 dated 16 3 44

Request not complied

32
5/9

7439/42 — Petn of Mr. L. Shama Rao, Shimoga

Continuation Sheet — File No / Current No — of 42 — Page 1

Petn dt 27-5-43 from Mr L Shama Rao of Shimoga stating that a Compensation of Rs 738-12-0 has been awarded as to land at 14 to the acre for loss of irrigation rights in respect of Sy Nos 224-65 under the Sonwahi tank at Shimoga in connection with the breaching of the said tank as an anti malaria measure and praying in the circumstances stated, that he may be paid a sum of Rs 160 more per acre and a lumpsum amount of Rs 200 towards the fare amount on the Inam land measuring 2 Acres 5 Gunthas —

1) The matter is perhaps one which has to be decided in a Civil Court if the party has any real grievance, he can have recourse to the Court. The award has been passed by the S D O and there does not appear to be any ground for Govt interfering in the matter. Put up for orders if the petition may be forwarded to the D C Shimoga for disposal. The file has been sent to the Collector for Secy and some other connection (D No 6775)

Yah 26/6

2) A report may perhaps be called for from the D C thereon giving the legal points raised by the petitioner

Lawtey 26/6

3)

SECY LA DEPT 15/24 43

7439/L Petitioner Sri C Shama Rao, Shimoga

Continuation Sheet No 1 File No / Current No of 12 Page

V

Sent with a memo as the letter forwarded of the letter and its enclosures to the DC Shimoga Dt for report, for attn

Sd/- 5) Issued 1/7/43
29/6 To the DC Shimoga Dt
Jn 26/

TYPING SECTION - 2 JULY 1943 GEN REV SECTT

Sd/- L67 Dt 3/7/43
To Sme Calls for a report

Sec A
3/7
JR

From the D C Shimoga
No MB C 74/43 44 dt 7 10 43
Fds a report as called for, on the petition of Sri M. Shama Rao in connection with the breaching of some tanks

6) Mr. Shama Rao in his petition dt 27 5 43 represented that -

1) he may be given Rs 60/- one time toward valuation awarded for acre as compensation for loss of irrigation rights in respect of Sy Nos 22 and 45 under Somanahalli tank in Shimoga in connection with the breaching of the said tank as an antimalaria measure (Para 3 of the petition)

2) he may be paid a lumpsum amount of Rs 200/- towards the Fair amount in the dry land measuring 2 Ac and 5 guntas (A), for the reasons stated in para 4 of his petition

7) The total extent of 11 acres and 27 gunta of land of the petitioners were said to have been acquired and an award of Rs 738-12-0 made.

8) In para 4 of the P W D, it is stated that compensation at the rate of Rs 100/- per acre in respect of lands under wet cultivation and Rs 50/- per acre in respect of garden lands, was awarded and that the compensation of Rs 100/-, an acre already fixed in G.O. dt 29 1 43 is adequate and that there is no reason to reconsider the orders already passed in the matter. And hence the D e observes that claim for more compensation by Mr Shama Rao may not be sanctioned in view of the fact that representations for such a claim from certain other petitioners was also turned down by him (para 5 of the P W D)

9) As regards his second claim for a lumpsum ~~[illegible]~~ amount of Rs 200/- towards the Fair amount, the D e recommends that as twenty five times the loss, may be given as compensation towards Fair amount to Mr Shama Rao and that the total in this behalf amounts to Rs 112-8-0, which may be met from the balance of Rs 7,000 sanctioned vide G.O. dt 29 1 43 for the payment of compensation to all the Ryots, who were affected by the breaching of the tanks in question.

10) In the above circumstances, it is for orders of the proposals A and B of the

× Flg H(A) of the linked file

A

B

para 7 of the P W D

4y

D C may not be approved and orders passed accordingly subject to the references to paras 2 and 3 supra

As proposed by the D.C Shimoga District, the compensation at the rate of Rs 1,00 + Rs 50/- p.a. are already awarded in respect of the lands acquired from the petitioner — the amount is reasonable and need not be enhanced as prayed for by the petitioner. An endorsement will be issued to the petitioner in this behalf. In regard to the loss stated to have been sustained on account of the assessment on the land (2 acres 25 guntas) being altered from Rs 7/- to Rs 28/- annually, the D.C recommends that the petitioner may be given as compensation a sum of Rs 1148/- equal to twenty five times the annual loss, the amount being met out of the sum available out of the advance of Rs 7000/- sanctioned in this behalf. This may be approved.

Lawley for
9/11/43

The D.C's recommendation may be accepted. There is no reason to enhance the rate already fixed. But it may be added that in the assessment proceedings the petitioner may be given concessional rates under Rules 11 & 12 of Mysore Land Revenue Code.

16 11 43

SECY LAW DEPT 4581 10 1943 MYSORE
OFFICE OF THE MINISTER FOR L S G & P H Date 11 11 43 No 2949
Add a sheet & forward to Minister 11 11 43
WD 0972—GPB—10 000 21-10 42

Continuation Sheet File No 2324/2 Current No of Page 5

petitions of Mr C Shama Rao
Sumathi Cantt Shimoga

Draft for please
sd
15/11/43

Dft to C. Mysore
sd 29/11

dssrep
3/11/43

TO,

The D C Shimoga DK
The Comptroller
The R C

L 6112-4 dt 10-12-43

Reports the ~~proposal~~ prayer of the petitioner for the payment of enhanced compensation for the loss of irrigation rights and sanctions the proposal of the D C to give the petitioner a sum of Rs 112-8-0 in respect of the loss in Jan amount

Petitions dt 6th Sept and 1st Nov 1943 from Mr C Shama Rao praying for early orders

An endorsement is submitted to Mr C Shama Rao

sd
27/12/43

dssrep
31/12/43

Issue No L 6744 dt 111-43-79

~~Secy~~
B sd
15/1

FYD SECT N
1 DEC 1943
GEN & CTT

TYP SECT
-3 JAN
GEN & REV SECTT

Petition of Dr Shama Rao —

Continuation Sheet | File No / Current No | of Somaiah's tank | Page Shimoga

(2)

Petition dt 25-1-44 from Dr C Shama Rao praying that he may be given a hearing in connection with the payment of enhanced compensation to his lands acquired below Somayas tank, Shimoga

On his previous representation, govt have sanctioned a lumpsum grant of Rs 112-8-0 to him to compensate for the loss in the Fasl annual to in respect of his Inam lands under Somaiah's Tank which was breached by the govt in connection with anti-malaria measures and at the same time it was decided that his prayer for the payment of enhanced compensation prayed for by him in respect of his wet lands under the same tank, could not be sanctioned and that there was no reason to reconsider the orders already passed in the matter

fdgP

GO No 2 6112-4 dt 15-12-43

The above decision was arrived at after consulting the D C Shimoga Dt whose proposals were affirmed in this respect An Endorsement was also issued to Dr C Shama Rao intimating the above orders

fCy 7

Dept Dr C Shama Rao

WD 01809—GPB—60 000—26 1 43

Continuation Sheet | File No / Current No | of | Page

petition of M C Shama Rao
— Swamy's Bank 4c807
for enhanced compensation

now prays that he may be given
a hearing in this connection for the
reasons stated in his petition
which is subject for perusal

In these circumstances, it
is for orders of the orders sanctioning
a lumpsum grant of Rs 112 8-0 in
respect of Jain amount and rejecting
the grant of enhanced compensation
in respect of his wet land issued
may not be held good now

A /

or: M Shama Rao may be
given a hearing, as prayed for by him

B /

A and B for orders

subject

He also prays for the payment
of 8/2% interest on the amount of compensation
awarded from April 1930 up to date
of payment whether this prayer may
be granted is for orders

7742
9/-/41

Lawsuit for
9/2/41

The question was considered
after considering the case & order
was passed / We want to
be hearing his request

There is no necessity that
him as he has fully stated

Letters/Mr C Thamarakshi praying for
11807 compensation in connection with loss of property at
Continuation Sheet. File No
Current No

his case in Malabar

Mr Collr 9-2-44

Dy Secy
22.2.44

Collr 23.2.44

Board's Proceedings is/able

JAV 6/3

DO No 1012/44-5228

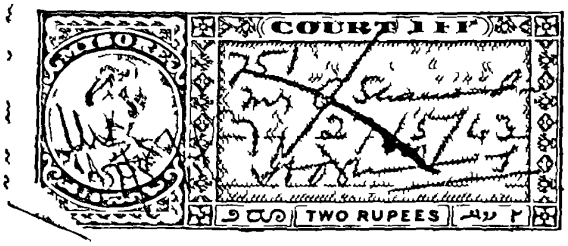
To,

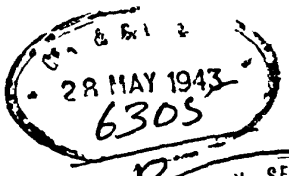
Mr Thamu Rao

2963 & 16-3-44

Requests his property

B Mem 22/3
JAV





7439

To

The Government of His Highness the Maharaja of Mysore, P & L/43 4

BANGALORE

Appeal petition of C Shama Rao residing in the Eastern portion of Somiah's bungalow Shimoga

This is an appeal which the petitioner prefers against the Award of only Rs 738-12-0 (Rupees seven hundred and thirty eight and annas twelve only) made on the 28th April 1943 by the Assistant Commissioner, Shimoga Sub Division as depreciation value for his wet lands S Nos 22 and 45, below Somiah's tank at Shimoga breached by Government, to compensate the loss in the intrinsic value of his lands measuring in all 11 acres 27 guntas by their conversion from wet to dry

The following are the grounds on which the appeal is presented -

1 The Sub Division Officer has failed to consider the evidences referred to by the petitioner regarding the rate of depreciation value per acre for which he is entitled according to Land Acquisition Case Nos 1 and 65 of 1938-39 in which certain portions of the petitioner's land, S No 22 have been acquired just before and after breach of Somiah's tank, which proves that the value of the land in question which was Rs 200/- per acre before the breach of the tank was reduced to Rs 40/- per acre after its breach This rate has been fixed by the Land Acquisition Officer and the petitioner

petitioner claims this difference in the value namely Rs 160/- per acre on the evidence of the Awards

2 Since S No 45 adjoins S No 22 the petitioner claims at the rate referred to in para (1) for these lands also

3 The petitioner preferred his claim for depreciation value for his lands in April 1938 as soon as he heard that the tank would be breached, still the breaching work was commenced in the latter part of April 1938 without settling his claim He therefore claims interest from April 1938 on the depreciation value since the petitioner has sustained loss by the with-holding of payment for a very long period

4 Survey No 45 is a Brahmadaya enfranchised Inam land 2 acres 5 guntas in extent and assessed at R 7/- before the breaching of the tank, and for this the petitioner was paying a Jodi of R 1-15-0 only and was enjoying a Jari of R 5-1-0 annually Now after the breach of the tank this land is assessed at R 2-8-0 and he is still paying a Jodi of R 1-15-0 By this the petitioner is deprived of the Jari amount by R 4-8-0 annually, for which he claims a lumpsum amount of R 200/- as compensation and this would fetch him interest annually to compensate him for the loss in Jari amount

5 The petitioner from the commencement prayed for separating his case from the case of the rest of the khatedars on the basis of the evidences he had and this has not been done It is only after approaching the highest authorities repeatedly some relief was granted after a long delay along with other

other khatedars without duly considering the several evidences adduced by him He therefore has preferred this appeal so that the benign Government may consider the evidences and grant suitable relief on the several items represented above

6 And lastly, since the petitioner is seventy three years old his earnest prayer is that early opportunity may be given to him to represent the above facts in person and produce the required documentary evidences in order to make the Government to expedite the disposal of his claims

Copies of Awards passed in Land Acquisition cases Nos 1 and 65 of 1938-39 relating to S No 22, are enclosed

A brief history of the case is also enclosed for kind perusal and to take early disposal
Dated 24th May 1943

Petitioner

Memo No C 67 Dt 3/7/1943

Forwarded with Compliments to the Deputy Commissioner, Shimoga Dist for favour of a report on the several points raised by the petitioner The petition may be kindly returned after the reply

By order

1/7/43
For Secretary to Govt
Rev. Law Dept

280

DEPUTY COMMISSIONER'S OFFICE
5 JUL 1943
SHIMOGA DISTRICT

C74
43-44

C F [No 45]

2824 12

GOVERNMENT OF MYSORE

MI-43-47

OFFICE OF

The Deputy Commissioner,
Shimoga District
S h i m o g a

No M3 C 74/43-44
Encls 4 petns & other enclosures.

Date 7th October 1943

The Secretary to Government,
Law Department,
B a n g a l o r e

Sir

Subject :- Prayer of Mr C. Shama Rao, Resident of Shimoga Town - for payment of enhanced rate of compensation, with interest to compensate the loss in the intrinsic value of his lands, by their conversion from wet into dry consequent on the breaching of Somalah's Tank

With reference to your Memo No L 67, dated 3rd July 1943, forwarding for report the petition of Mr C Shama Rao, resident of Shimoga Town on the subject noted above, I have the honour to state as follows -

2. As directed in para 2 of the Government Order No L 7428-32 Ml 165-41-8 dated 29th January 1943, the advance amount of Rs 7000/- sanctioned to the Shimoga Town Municipality by Government in their Order dated 29-1-43 referred to above was drawn before during the year 42-43 by the President of the said Municipality and the amount in question was placed at the disposal of the Sub Division Officer, Shimoga in order to settle the claims for compensation of the several atchkatdars

3 The Sub Division Officer, Shimoga, has reported that compensation to the extent of Rs 6466/ has been paid and that the balance amount is held under Revenue deposits for payment of the amount to other claimants, after their appearance before him

4 As to the request of the petitioner for payment of enhanced rate compensation, based on the award order, passed by the Land Acquisition Officer, Shimoga, in L A C. Case No 1/38-39, I write to state that due regard has been paid, while making a recommendation to Government for grant of compensation for the loss of irrigation rights, at the rate of Rs 100/- and Rs 50/- per acre in respect of the extent of 24 acres and 12 guntas of land actually under wet cultivation and in respect of the extent of 90 acres and 39 guntas used as pasture land, respectively Further the survey guarantee of 30 years was over, and power was vested in Government to convert them into dry lands even without payment of compensation The compensation of Rs 100/- per acre already fixed in G O No 7428-32/Ml 165-41-8 dated 29th January 1943, is adequate and reasonable and there is no reason to go beyond the orders already passed by Government in this respect

5 I write to state that applications have been filed in this Office on the same subject by Messrs C Subba Rao, S Prabhuviah and Shroff Venkatappa, though their Counsel, Mr K Ramaswamy, Vakil Shimoga They are also forwarded herewith for favour of reference of Government as no further action is called for in the circumstances, explained in para 4 supra

6 The other request of Mr C ~~Subba~~ Shama Rao, urged in his petition under reference is that, S No.45, is a Brahmadaya enfranchised Inam land (2 acres and 5 guntas in ... assessed at Rs 7/- before the breaching

P T O

of the Tank and that for this, he was paying a jodi of Rs 1-15-0 only and was enjoying a jari of Rs 5-1-0 annually and that after the breaching of the Somaiah's tank the land is assessed at Rs 2-8-0 and that he is still paying a jodi of Rs 1-15-0 and that by this he, the petitioner, is deprived of the jari amount of Rs 4-8-0 annually That for this loss, the petitioner claims a lump sum amount of Rs 200/- as compensation to compensate the loss in jari amount

7 The Tank in question was breached in June 1938 I am of opinion that in view of fact that the petitioner is alleged to have suffered loss on account of the assessment of the land being altered from Rs 7/- to Rs 2-8-0 annually, the petitioner may be given a suitable amount to compensate the loss stated to have been sustained by him I recommend that twenty-five times the annual loss, may be given as compensation towards the loss of the Jari amount in the present case -- The compensation amount to be fixed thereby would be Rs 112-8-0 This expenditure in question may be met ~~from~~ out of the balance amount, remaining after adjustment of the compensation amount already paid out of the advance amount of Rs 7000/- sanctioned in Government Order dated 29th January 1943

8 The petition under reference together with its other enclosures received with your Memo under reference, is returned herewith as desired

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Shimoga District

KRR/1

1564

9 SEP 1943

1157
R

Reps Pors

CHIEF SECRETARY SEP 1943 GOVT OF MYSORE

GEN & REV SECN 2007/4 25 SEP 1943 L S G BRANCH

To

The Chief Secretary
to the Government of Mysore,
Bangalore

Sir,

I beg to invite kind reference to my appeal petition dated the 29th May 1943 in the matter of the depreciation value granted to me in respect of wet lands Survey Nos 22 and 45 below Somiah s Tank, Shimoga, breached by the Government in April 1938, and to request that I may kindly be informed as to the date of that the Government have been pleased to fix for hearing me

I beg to enclose herewith for favour of perusal in this connection a statement showing the amount of compersation and interest that is still due to me over and above what has already been paid The figures in this statement have been based on two Land Acquisition award orders pertaining to these very lands, one passed immediately before the breaching of the tank, and the other immediately after The certified copies of t e orders referred to and other documents in support of the claim are in my possession, and will be produced at the time of hearing

As the case has been pending for over five years past, I beg to request that the Government may be pleased to fix an early date for hearing me and passing final orders

All communications to me may kindly be addressed in as below -

C Shama Rao
No 3024/1, IV Block A,
Vani Vilas Puram, Mysore

I beg to be,
Sir,
Your most obedient servant,
C Shama Rao

Mysore,
24th August 1943
Rd 6th September 1943

Submitted
The file on this subject is being looked up by Mr Meeran Sahib in the Revenue Office. The receipt also will be given to him to be kept in the main file
23/11
23/11

15

MEMO SHOWING THE AMOUNT THE APPELLANT CLAIMS FOR HIS WET LANDS BELOW SOMIAH'S TANK, S NOS 22 AND 45, REFERRED TO IN APPEAL PETITION DATED THE 27TH MAY 1943

S No	Extent	Amount payable at Rs. 160/- per acre, as per award orders Pcs. 1 and 65 of 1938-39	Amount paid by the S D O	Balance due now claimed
22	9 Ac 22 Gs	Rs 1,528-0-0	Rs 632-8-0 (At Rs. 100/- p a for 3 acs 4 gs and at Rs. 50/- p a for the balance of 6 acs 18 gs)	Rs 895-8-0
45	2 Acs 5 Gs	Rs 340-0-0	Rs 106-4-0	Rs 233-12-0
	Total	Rs 1,868-0-0	Rs 738-12-0	Rs. 1,129-4-0

Add (1) Interest for Rs 738-12-0 at 6 % per annum from 28-4-38 to 28-4-43 — Rs 221-9-0

(2) Interest on the difference of Rs 1129-4-0 at 6 % per annum from 28-4-38 until the date of payment. — to be determined

(3) Compensation for loss of Jari amount on Inam land S No 45 - Brahmadaya enfranchised Inam land — Rs 200-0-0

Total amount claimed Rs 1,550-13-0

With interest to be added as per item (2)

6th September 1943

Appellant

[G R S App F VI—G 2]

SUBJECT

abd

17

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 15/12 194

Signed by

to the Shimoga Tahsildar

May this be—

(i) printed ? flg H

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(iv) published in the Gazette Kannada Part ?

Section Rev

File No 108-43

Serial No 70

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

GO No L 7428-32/Rev 165-41-8 dt 29-1-43 sanctioning an advance of Rs 7,000/- for the payment of compensation at the rate of Rs 100/- and Rs 50/- per acre in respect of land under wet cultivation and unirrigated cultivable acres used as pasture land, respectively to the several Ayakatdars of the Soga under the Ismala tank at Shimoga for the loss of irrigation rights consequent on the breaching of the said tank as an anti-malaria measure

Order thereon.—No

PTO

correspondence ending with letter No 773 C 74/43
dt 7-10-43 from the D C Shimoga dtd forwarding
a report on the petition of one M. C Shama
Rao, one of the Attachdars under the Shoo Smaks
tank praying for the payment of enhanced compensation etc for the
interference with the breaching of the said tank for the lands acquired
order No L 6112-4 of 1912
M C Shama Rao in his petition
dt 27-5-43 represented that he may,
in the circumstances stated, be given enhanced
compensation to the extent of Rs 160/- or more
than what he was actually awarded for the loss of
irrigation rights in respect of his wet land
measuring 11 acres and 27 guntas in S Nos 22 and
45 below the Smaks tank breached by last
List of Enclosures
as an anti-malaria measure and he has also
prayed for a lumpsum award of Rs 200/- to
compensate the loss in the Jain amount in respect of
his land to the extent of 2 acres and 5 guntas
which in S No 45 which is a Brahmadaya land
assessed at Rs 7 1/ before the tank was breached
on franchise tenure ~~is affected by the breaching~~
Examined by
of the said tank

A report was called for in the matter
from the D C Shimoga dtd and

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

he has expressed the opinion that the rates fixed for the payment of compensation for the loss of irrigation rights as the result of the breaching of Somerahi tank in the G.O. read above are adequate and reasonable and that there is no reason to enhance the rates fixed already in this behalf

This view is accepted

In regard to the other prayer of the Shanmuga Rao for a lump sum award of Rs 200/- as compensation for the loss of Jan amount in respect of his above land in Jan land, the D.C. has recommended that the petitioner may be given as compensation a sum of Rs 112-8-0 equal

WD 08603—GPB—15 000—8-7 35

to, twenty five times the annual loss sustained by him on account of the reduction of assessment from Rs 7 to Rs 2/8/ annually on the said land after the breach of the bund, My recommendation was approved, the amount being the balance available out of the advance of Rs 7,000/- sanctioned by the Govt on 29-1-43.

2) While agreeing with the views expressed by the D C Shimoga and in the matter observe that there is no reason to grant enhanced compensation for the loss of irrigation rights as proposed by the petitioners, a/p/wer of the payment of Rs 1,12-8-0 towards the loss of income in Jain Pummit to Sri Shamanna Rao, as recommended by the D

JRB
for Secy, Law Dept.

To,

The D C Shimoga Dl 4502 ✓
The comptroller ✓
The R C ✓

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

2\ 111-43-79

General and Revenue Secretariat

No L6749 / Rd 111-43-79 *Dated Bangalore* 6 January 1945

ENDORSEMENT

Mr C Shama Rao, No 3024/1, Block IV A,
Vanivilas Mohalla Post, Mysore

With reference to his petition dated 27th May 1943 praying, in the circumstances stated (1) for the enhanced compensation for the loss of irrigation rights in respect of his wet land in S Nos 22 and 24 below the Samiah's tank in Shimoga Town and (2) for a lumpsum award of Rs 200/- to compensate for the loss in the Jari amount ~~in~~ in respect of Inam land in S No 45 etc , Mr C Shama Rao is informed that a sum of Rs 112-8-0 has been sanctioned to him, as compensation for the loss in the Jari amount in respect of his Inam land and that the Deputy Commissioner, Shimoga District, may be further approached in the matter of its payment to him

As regards his other prayer for the payment of enhanced compensation for the loss of irrigation rights in respect of his wet land in S No 22 and 24, Government see no reason to enhance the rates already fixed in this respect

By Order,

Ramachandra

For Secretary to Government,
Law Department

sr 2

Endorsement from
to L6744 rec 11-43-79
M/s Shama Rao, No 3024/1 Block II A
Vani Vilas Mohallapost, Mysore

22 Dy 6/1

With reference to his petition dy 27-5-43
praying, in the circumstances stated, for the enhanced
compensation for the loss of irrigation rights
in respect of his wet land in S No 22 and 24 below
the Samudra Tank ~~breached~~ kaval and 2) for a
lumpsum award of Rs200/- to compensate for the loss
in the Tarawad in respect of his Inam
land in S No 45 etc, M/s Shama Rao is
informed that a sum of Rs 112-8-0 has been
to him, as compensation for the loss in the
Tarawad in respect of his Inam land and
that the amount may be recovered from the
D/c Shimoga Dist further
Matter of his payment to you has appeared in the

As regards his second prayer for the
prayer for the payment of enhanced compensation
for the loss of irrigation rights in respect of his
wet land in S No 22 and 24, the petitioner
fwl see no reason to reconsider enhance
the rates already fixed in this respect

B R

for Secy, Law Dept

REVE & REV SECTT
29 JAN 1944
REVE U BRANCH

3196 R mr (E 4807

To

His Excellency Prabhanasiromani N Madhava Rau, Esq , C.I E ,

Dewan of Mysore, Bangalore

m 1359
23

Memorialist: C Shama Rao, Khatedar of wet lands below Somayya's Tank in Shimoga, residing in the Eastern Portion of Somayya's Bungalow, Shimoga

Rec'd 11/1-43-106

Most Exalted Sir,

The memorialist above named begs most respectfully to place the following representation before you for kind consideration and favourable orders In doing so, he begs to state that he is obliged to approach your benign person as his attempts to obtain justice have so far only partially succeeded, and being hard pressed by the abnormal times now prevailing, and confident of the justice of his cause, he begs to approach you in the fullest confidence that those points of his case which have not so far been appreciated will now be recognized and justice done to him

The facts of the memorialist s case are as follows -

The memorialist is the owner of S Nos 22 and 45 of Shimoga village both of which are wet lands under Somayya's tank, and both of which adjoin his house S No 45 is an enfranchised Brahmadaya Inam land At one time these lands were supporting a large family and providing employment for over a dozen servants After his retirement in 1924, the memorialist invested all his life's savings and raised sugarcane and paddy on these lands besides other crops

On the 9th April 1938, he was informed that the Somayya's tank would be breached, and he immediately approached the local officers with petitions asking that before the breaching was done his lands may be inspected and his claim for compensation settled This request was neither acknowledged in time nor answered, but in the later part of April 1938 the breaching was actually proceeded with, involving much damage to the standing crops on the memorialist's lands The memorialist from then on kept petitioning, first the local officers, then the Deputy Commissioner, then the Chief Secretary, and finally the Minister for Revenue and Finance

Meanwhile the matter was under correspondence between the Revenue Department and the Shimoga Town Municipal Council, and at one time the memorialist was definitely asked to approach the Municipal Council for relief as the matter was deemed to have come within the provisions of the Town Municipalities' Act Against this the memorialist strongly protested, urging that the claim which arose when the lands were within the control of the Revenue Department should be disposed of by the Revenue Department Upon his petitioning about this and other points to

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to the Minister for Revenue and Finance in December 1941, final orders were issued in August 1942 that the claims for compensation be settled by the Revenue Department, and a sum of Rs. 7000/- was placed at the disposal of the Deputy Commissioner for this purpose out of the Town Improvement Grant for 1942-43 pending adjustment, after the claims were settled, from Municipal Funds In accordance with these instructions the Sub Division Officer of Shimoga paid the memorialist a sum of Rs 738-12-0 as compensation in April 1943 Against this award the memorialist appealed to the Minister for Revenue and Finance in May 1943 stating that (1) the amount of compensation awarded was inadequate, (2) special compensation should be given for S No 45, which was an enfranchised Brahmadaya Inam land and in respect of which the benefit of the jari amount would be lost to him by its conversion from wet into dry, and (3) interest be allowed on the amount of compensation awarded from the date of breaching to the date of payment, which will be over five years In his endorsement No L 6744/M1 111-43-79, dated the 6th January 1944, the Secretary to Government, Law Department, has intimated that the Government have been pleased to accept contention (2) and to award a special compensation of Rs 112-8-0 in addition to what had already been paid to the petitioner, and that the remaining requests had been negatived Against this order the memorialist begs to appeal to you, and to plead the following grounds in support of his case -

1 In arriving at the amount of compensation awarded, viz Rs 738-12-0, the Sub Division Officer has calculated that compensation for loss of irrigation right was payable at two different rates, that is, at Rs 100/- per acre for lands that were actually under wet cultivation immediately before the breaching was done, and at Rs 50/- per acre for the remaining lands which were not under such cultivation On this basis a rate of Rs. 100/- has been paid to the memorialist on an extent of 3 acs 4 gs and a rate of Rs. 50/- per acre on the balance of 9 acs 23 gs Such a distinction is both misleading and unfair Upto the time of breaching, the whole extent of 11 acs 27 gs was classed as <u>wet</u> and wet assessment was being recovered in respect of it Wet crops are alternated with manure crops in order to derive better benefit, and actually the memorialist had sown manure crops on quite a considerable extent of his land with a view ultimately to raise sugarcane on it He has in his possession documentary evidence to show that the pahni data on which the Sub Division Officer has based his conclusions are defective, and seeks an opportunity to produce it before you The point he ~~wished~~ wishes to press is that it is grossly unfair to him that while for purposes of recovering land revenue the Government have classed the lands as <u>WET</u>, they should reclassify

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a large portion of it as dry when a claim for compensation arose against them Even assuming, but not accepting, that the lands were comparatively less valuable than others, if he has been made to pay a high rate of assessment for many years, it is only fair that the same considerations as determined the rate of assessment, should also be taken to determine the rate of compensation to be awarded It was obviously the potential value of the land that determined the rate of assessment to which it was subjected, and it is the same value, not the condition in which it was at a particular time of the year, that should determine the compensation to be awarded

The memorialist therefore contends that a uniform rate of compensation should be awarded for the entire extent of 11 acs 27 gs

2 Next as regards the rate of compensation The memorialist has documents to show that a rate of Rs 160/- per acre should be awarded Two bits of land out of S No 22, which is one of the lands in question, were acquired in 1938 in connection with the lay out of the breaching channel, one before the breaching was done, and one immediately after For the former the Acquisition Officer awarded a rate of Rs. 200/- per acre, treating the land as WET, and for the latter he awarded a rate of Rs 40/- per acre treating another bit of the same quality as DRY Obviously, in his view, the loss of value by the deprivation of water was Rs 160/- per acre As all the memorialist lands are of the same quality, this is the rate at which compensation should be awarded for the entire extent, but in view of the large extent involved, the memorialist is prepared to accept a rate of, say, Rs.150/- per acre

3 The third request is for interest From the date the memorialist received intimation of the breaching of the tank, he has been persistently petitioning the authorities concerned, and has not allowed the matter to rest His claim arose in April 1938 when the tank was actually breached It is only fair, therefore, that he should be given interest at whatever rate the Government may be pleased to fix on the amount of compensation that has been awarded and that is to be awarded from April 1938 up to the date of payment

4 The memorialist begs to state in conclusion that he has soared no pains to place the facts of his case before the several officers concerned and is therefore justified in asking for special consideration as distinct from the other khatedars, who have let matters take their own course He mentions this only to suggest that in case the Government should be pleased to concede his requests, they will not for that reason, be placed under an obligation to extend similar consideration to the other khatedars, who have not been as keen to make their case heard, and that the fear that the question

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may assume large proportions does not exist, and need not deter the Government from dispensing the justice for which he has been asking these nearly six years

A copy of the Law Secretary's endorsement appealed against is enclosed herewith for perusal The memorialist begs to state that his appeal to the Minister for Finance and Revenue has been disposed of without giving him an opportunity of producing the evidence he has in his possession, and begs that before this memorial is disposed of, he may kindly be given a hearing

The memorialist humbly begs to remain,

Most Exalted Sir,

Your humble servant,

Mysore
25th Jan 1944

B Shamanna Rao
Memorialist

Address -

~~Secretariat Buildings,~~
~~Eastern Section,~~
~~Shimoga~~

No 30247, IV Block A
Vani Koppal (Kay nor)

Appendix F G —1]

SUBJECT

(1)

2 copies

Section

File No

Serial No

Diary No of lett r replie l to

General and Revenue Secretariat

( )

the *194*

Date of issue 6/3/1944

Signed by

List of enclosures

Codied by

Examined by

No L 9634/Rev III-43-107

~~To~~ granted

Endorsement- pte to

E Shamu Rao, Khatedar

of wet lands below Somayya

Tank in Shimoga

No 3024, IV Block A

Vontikoppa, Mysore

with reference to his

petition dt 25-1-44

praying for a hearing in

~~the matter of fixing~~ the quantum of

compensation for the loss

of irrigation rights in respect

of his lands in S Nos 22 &

45 Subsita below Somayya's Tank

WD 04161—GPB—60 000—24 10 41

2d

to Shimoga Town, ~~and etc~~, Mr. C
Shama Rao is informed that
his request cannot be complied
with as ~~definite~~ final orders have been
passed by Govt after considering the question
in all its aspects. and after
~~A similar communication~~ in endorsement
No K 6744/Ret III-43-79 dt
6-1-44 ~~sent to you in this behalf~~

all the
papers relating
to this matter
as Govt took
in the offices
are to return

A O

for Secy, Law Dept

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 6744/M1 111-43-79

General & Revenue Secretariat
Dated, Bangalore, 6th January 1944

Endorsement

Mr C Shama Rao, No 3024/1, Block IV A,
Vani Vilas Mohalla Post, Mysore

With reference to his petition dated the 27th May 1943 praying, in the circumstances stated (1) for the enhanced compensation for the loss of irrigation rights inrespect of his wet land in S Nos 22 and 45 (wrongly noted as 24) below Somayya s tank in Shimoga Town and (2) for a lumpsum award of Rs 200/- to compensate for the loss in the Jari amount inrespect of Inam land in S No 45, etc , Mr C Shama Rao is informed that a sum of Rs. 112-8-0 has been sanctioned to him, as compensation for the loss in the Jari amount in respect of his Inam land and that the Deputy Commissioner, Shimoga District, may be further approached in the matter of its payment to him

As regards his other prayer for the payment of enhanced compensation for the loss or irrigation rights in respect of his wet land in S Nos 22 and 24, Government see no reason to enhance the rates already fixed in this respect

By order,

Sd G Ramachandra Rao,

For Secretary to Government,
Law Department

'Copy